

DEC 26 2006

Serial No. 10/810,499
Response to Final Office Action
Mailed September 25, 2006

Filed: March 26, 2004

REMARKS

Claims 5-28 are pending in the present application. Reconsideration of the presently pending claims is respectfully requested in view of the below remarks.

Claim Rejections pursuant to 35 U.S.C. §101

Claim 8 was rejected pursuant to 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicant respectfully traverses this assertion since Claim 8 is directed to a new process, which is useful and thus clearly comes under one of the four categories of 35 U.S.C. §101. Claim 8 describes a series of actions in the form of steps or acts, which includes the acts of generating event data, and storing event data, which are very clearly a concrete, useful and tangible result. In the office action mailed September 25, 2006, it was asserted that Claim 8 was "effectively claiming a program per se, failing to provide any structural and functional interrelationships between the program and other claimed elements of the computer which would permit the functionality of the program to be realized."

Applicant respectfully submits that not only is Claim 8 not claiming "a program per se," but also, there are no "claimed elements of the computer" in Claim 8 as has been asserted in the office action mailed September 25, 2006. The preamble of Claim 8 clearly indicates "the process of:" In addition, as is well known, a process claim does not require structural elements but simply steps or acts of a process. Further, since the preamble of Claim 8, as asserted in the office action mailed September 25, 2006 "fails to breath life or meaning into a 'readable medium' and 'processor' limitation in the preamble," the preamble recitations are mere statements of purpose or use and do not limit the claim. (see MPEP 2111.02)

For at least the foregoing reasons, the office action mailed September 25, 2006 has failed to set forth a prima facie case of unpatentability pursuant to 35 U.S.C. §101, and Applicant respectfully requests withdrawal of the rejection of Claim 8.

Claim Rejections pursuant to 35 U.S.C. §102

Claims 5 and 8-12 were rejected pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication 2003/0119562 to Kokubo (hereinafter "Kokubo"). Applicant respectfully traverses these rejections since each and every limitation of Claims 5 and 8-12 are not described by Kokubo.

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Specifically, Claim 5 describes that the processing means is further operable to deliver the event data stored by the storage means to the resumed application program. In sharp contrast, the cited portions of Kokubo recite a "busy icon" that is "automatically generated on a sub-display unit" to indicate "activation of a telephone call software" (paragraph 116), and a "Net icon automatically generated on the sub-display unit" with the activation of net connection software (paragraph 118). Kokubo also describes that these icons of the sub-display unit are subsequently automatically erased when an Internet connection is terminated and a phone connection is cut. (paragraphs 52 and 124) Even if one assumes equivalency between Kokubo's icons and the event data described in Claim 5, Kokubo's icons are clearly not stored and delivered to a resumed application as described in Claim 5.

Claim 5 also describes storage means for storing event data generated by the processing means that is representative of a cause of the suspension of the application program. As is well known, an icon is a stored pictorial image that is retrieved from storage and generated for display in a graphical user interface. Thus, even if one assumes, for sake of argument, equivalency between Kokubo's icons and the event data described in Claim 5, Kokubo clearly does not describe storage of a generated icon that is representative of a cause of suspension of an application program. To the contrary, Kokubo describes "a copy type icon" that is generated in correspondence with a task that is in a suspended or stopped state, and that, when the copy type icon is selected, the task corresponding to this icon is restored. (paragraph 69) Accordingly, Kokubo's icons are described as providing visual indication of the existence of a suspended application, and are not representative of a cause of suspension of an application as described in Claim 5. Thus, Kokubo is silent on storage of event data representative of a cause of the suspension of an application program as described in Claim 5.

The method of Claim 8 describes delivering the event data to the resumed application program for use therein. Even if Kokubo's icons were equivalent to the event data described in Claim 8, Kokubo's icons are not described as being delivered to a resumed application program for use therein as described in Claim 8. To the contrary, Kokubo describes that the icons are automatically erased from a sub-display unit as previously discussed. (paragraph 124) Also, Kokubo clearly does not describe generating event data representative of a cause of suspension, and storing said event data as described in Claim 8. To the contrary, Kokubo describes icons that are generated on a sub-display as an indicator of a suspended application, and are subsequently automatically erased when the suspended application is resumed, as previously discussed.

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Claim 9 describes instructions stored in the memory to resume execution of the application, in accordance with the extracted event data, to be indicative of the first predetermined event. On page 4 of the office action response mailed September 25, 2006, it was asserted that Figure 9 of Kokubo anticipated this limitation. Figure 9 of Kokubo is a flow diagram that describes a task display switching method. In Figure 9, steps ST114, ST115 and ST116 describe erasure of an icon following termination of an active application at step ST109, followed by activation of a main application at step ST101. However, what is completely missing from Figure 9 and all of Kokubo is any discussion of resumption of execution of an application in accordance with extracted event data to be indicative of a first predetermined event. Kokubo fails to describe resumption of execution of any application to be indicative of a first predetermined event as described in Claim 9. Also, contrary to the assertions on page 5 of the office action mailed September 25, 2006 paragraphs 13-16 of Kokubo do not describe generation of a query to a user as described in Claim 12.

For at least the foregoing reasons, Kokubo does not describe each and every limitation of Claims 5 and 8-12. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(c) rejections of these claims.

Claim Rejections pursuant to 35 U.S.C. §103

Claims 6, 7, and 13-28 were rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of Kokubo and U.S. Patent No. 7,016,706 to Kurokawa et al. (hereinafter "Kurokawa"). Applicant respectfully traverses these rejections since for at least the previously discussed reasons, each and every limitation of the pending claims is not taught or suggested by the combination of the cited references, thus a prima facie case of obviousness is not supported.

For at least the previously discussed reasons, independent Claims 5, 8, and 9 and the claims dependent therefrom are patentable over the cited references either alone or in combination. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(e) rejections and the 35 U.S.C. §103(a) rejections of the pending claims.

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With this amendment and response, Applicant believes that the present pending claims of this application are allowable, and respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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